

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

IN RE:

THE MILLENNIUM MULTIPLE  
EMPLOYER WELFARE BENEFIT  
PLAN,

DEBTOR.

CHAPTER 11

(W.D. OKLAHOMA BANKRUPTCY  
CASE NO. 10-13528)

GARRY A. PASSONS, M.D., GARY A.  
PASSONS, M.D., P.C., ANAT V. SHAH,  
ANANT V. SHAH, M.D., PC., PAUL A.  
HATCHER, M.D., UROLOGY AND  
UROLOGICAL SURGERY, P.C., f/k/a PAUL  
A HATCHER, M.D., P.C., RODERICK  
GIVENS, SOUTHERN HEALTHCARE  
PROVIDERS, P.A., ARRON WILLIAMS,  
DWIGHT E. HARDING, D.D.S.,  
CHARLOTTE HARDING, DWIGHT E.  
HARDING, D.D.S., P.A., WILLIAM M.  
LOCANTE, D.D.S., WILLIAM M.  
LOCANTE, D.D.S., WILLIAM E.  
WOLF, D.D.S., WILLIAM E. WOLF, DDS,  
PC, WOLF MANAGEMENT, INC.,  
MICHELLE G. JOHNSON, D.D.S., M.S.,  
MICHELLE G. JOHNSON, D.D.S., M.S., P.C.,  
FRANKLIN W. CLARK, D.D.S., FRANKLIN  
CLARK, D.D.S., P.C., DAVID M. TURNER,  
M.D., AND DAVID M. TURNER, M.D., P.C.,  
CHRIS GETMAN, GETMAN  
ORTHODONICS, P.C.

Plaintiffs,

v.

CIVIL ACTION NO. 3:10-CV-00575  
JUDGE ECHOLS  
MAGISTRATE JUDGE BRYANT

AVIVA LIFE AND ANNUITY COMPANY,  
f/k/a INDIANAPOLIS LIFE INSURANCE  
COMPANY, AMERICAN GENERAL LIFE  
INSURANCE COMPANY, DAVID CLINE,  
INC., DAVID H. CLINE, INC., DAVID  
CLINE, SIDNEY GOLDSTEIN, MORRIS  
GOLDSTEIN, GOLDSTEIN AND  
ASSOCIATES, P.C., THE MILLENNIUM  
MULTIPLE EMPLOYER WELFARE  
BENEFIT PLAN, SCOTT RIDGE, RIDGE  
INSURANCE, INC., SECUREPLAN  
ADMINISTRATORS, LLC, and  
REPUBLICBANK & TRUST, MICHAEL E.  
LLOYD, WILLIAM COULSON JOHNSON  
LLOYD PARKER & TEDESCO, LLC.,

Defendants.

**JOINDER IN AND CONSENT TO REMOVAL AND STATEMENT PURSUANT TO  
FEDERAL RULE OF BANKRUPTCY PROCEDURE 9027(e)(3)**

Comes Now Defendant David H. Cline (“Cline”),<sup>1</sup> by and through his attorneys, and, for his Joinder in and Consent to removal and Statement Pursuant to Federal Rule of Bankruptcy Procedure 9027(e)(3), states as follows:

1. Pursuant to 28 U.S.C. § 1452 and Federal Rule of Bankruptcy Procedure 9027, Cline hereby joins in and consents to the removal by the Millennium Multiple Employer Welfare Benefit Plan (the “Debtor”) of the entirety of any and all claims, counter-claims, cross-claims, and causes of action asserted in the civil action pending in the Chancery Court of Davidson County, Tennessee, Cause No. 10-7-I, styled *Gary A. Passons, M.D., et al., v. Aviva Life and Annuity Company, f/k/a Indianapolis Life Insurance Company, et al.* (the “State Court Lawsuit”).

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<sup>1</sup> Cline has no connection whatsoever with Defendant David Cline, Inc. Defendant David H. Cline, Inc., is a dissolved corporation as of November 19, 1999, and a motion to dismiss will be filed on behalf of the corporation on the grounds that such corporation does not exist.

2. Pursuant to Bankruptcy Rule 9027(e)(3), Cline states that the proceeding has core and non-core matters. To the extent any claim, counter-claim, cross-claim, or causes of action asserted in that the State Court Lawsuit is determined to be non-core, Cline does not consent to the entry of final orders or judgments by the Bankruptcy Court.

WHEREFORE, Cline hereby joins in and consents to the removal of any and all claims, counter-claims, cross-claims, and causes of action asserted in the civil action pending in the Chancery Court of Davidson County, Tennessee, Cause No. 10-7-I, styled *Gary A. Passons, M.D., et al., v. Aviva Life and Annuity Company, f/k/a Indianapolis Life Insurance Company, et al.*

Respectfully submitted,

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-and-

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*Attorneys for Cline Defendants*

## **CERTIFICATE OF SERVICE**

I hereby certify a true and correct copy of the attached document was sent (1) via electronic notice to parties who are ECF Filers and Consenting Users, (2) via electronic notice to ECF Filers and Consenting Users who represent parties, and/or (3) mailed postage prepaid to the following on this 29th day of June, 2010.

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